

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE L. LIAKOS,

Defendant.

4:21CR3129

ORDER

The Defendant has moved to continue his change of plea hearing. (Filing No. 35). Defense counsel explains that when she recently examined the discovery, she determined several witnesses need to be interviewed and additional documents gathered before meeting with her client regarding the course of action in this case. Defense counsel states she needs to speak with the case agent, an interview scheduled for today. She states the defendant lives six hours away, and it is difficult to schedule a full day out of the office. So, once the case agent interview is complete and the documents and witness interviews are done, she will then speak to her client. The court notes that Defendant is on release, and he could presumably travel to Lincoln to meet with his lawyer.

Defendant requests a 60-day continuance of his change of plea hearing. But this case has been pending since October of 2021, and during that time, the court has granted seven continuances. Although the pretrial motion deadline expired 10 months ago, Defendant's current motion states, for the first time, that he needs to receive additional documents from the government and/or needs to interview witnesses. And it is now clear that a change of plea hearing was set before Defendant had decided to plead guilty, and he has still not made a fully informed decision to do so.

Both the government, acting by and for the public, and the defendant have the right to a speedy trial. Under the circumstances presented in Defendant's motion, the court will not further delay setting this case for trial.

Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue the change of plea hearing, (Filing No. 35), is denied.
- 2) The change of plea hearing scheduled for February 14, 2023 is cancelled. It will not be reset until the court receives signed plea paperwork.
- 3) A telephonic conference with counsel will be held before the undersigned magistrate judge at 2:30 p.m. on February 14, 2023 to discuss the date of the jury trial and the deadlines for Rule 16 expert disclosures, or further disclosures under Rules 16(a)(1)(G) and/or 16(b)(1)(C) of the Federal Rules of Criminal Procedure. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call. Unless the court states otherwise, Defendants are excused from and need not attend this hearing.
- 4) The time between today and February 14, 2023 is excluded under the Speedy Trial Act because the parties need additional time to investigate this case and prepare for trial, and the failure to grant additional time may result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 7th day of February, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

